IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 17062 of 2004(F)

PETITIONER:

K.DAMODARA KURUP,
VILLAGE OFFICER (RETIRED), TALUK OFFICE, KUTTANAD, ALAPPUZHA DISTRICT, RESIDING AT KIZHAKKE THYCAUD HOUSE, POOMTHOPPE WARD, ALAPPUZHA-6.

BY ADV. SRI.K.N.RAMACHANDRA PANICKER.

RESPONDENTS:
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1. **ACCOUNTANT GENERAL (A & E), KERALA, THIRUVANANTHAPURAM.**
2. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
3. **DISTRICT COLLECTOR, ALAPPUZHA.**
4. **REVENUE DIVISIONAL OFFICER, ALAPPUZHA.**
5. **TAHSILDAR, TALUK OFFICE, KUTTANAD, THEKKEKKARA P.O., MANCOMPU, ALAPPUZHA DISTRICT.**

BY GOVERNMENT PLEADER SRI. MANOJ KUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.17062/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. PA4/389 17/06/82 ISSUED BY THE ACCOUNTANT GENERAL, KERALA.

EXT.P.2: COPY OF THE LETTER NO. A1.1965/84 DTD. 22/02/1985 ISSUED BY THE TAHSILDAR, KUTTANAD, 5TH RESPONDENT TO THE PETITIONER.

EXT.P.3: COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE HONOURABLE GOVERNOR OF KERALA DTD. 28/02/1985.

EXT.P.4: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE TAHSILDAR, KUTTANAD TALUK DTD. 15/03/1985.

EXT.P.5: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE TAHSILDAR, KUTTANAD TALUK DTD. 26/07/1985.

EXT.P.6: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE TAHSILDAR, KUTTANAD DTD. 17/08/1994.

EXT.P.7: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE TAHSILDAR, KUTTANAD DTD. 25/08/1995.

EXT.P.8: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, ALAPPUZHA DTD. 14/02/1996.

EXT.P.9: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE REVENUE DIVISIONAL OFFICER, ALAPPUZHA DTD. 07/10/1996.

EXT.P.10: COPY OF THE REPLY RECEIVED FROM THE UNDER SECRETARY, KERALA LEGISLATIVE PETITION COMMITTEE, TRIPUNITHURA DTD. 23/02/1997.

EXT.P.11: COPY OF THE REMINDER PETITION FILED BY THE PETITIONER BEFORE THE PETITION COMMITTEE DTD. 30/01/2000.

EXT.P.12: COPY OF THE LETTER ADDRESSED TO THE PETITIONER ISSUED BY THE TAHSILDAR, KUTTANAD TALUK NO. A1.1353/2000 DTD. 29/05/2001.

EXT.P.13: COPY OF THE LETTER ISSUED TO THE PETITIONER BY THE TAHSILDAR, KUTTANAD. NO. A1.1353/2000 DTD. 13/06/2001.

EXT.P.14: COPY OF THE LETTER ISSUED BY THE TAHSILDAR, KUTTANAD NO. A1.1353/2000 DTD. 14/08/2001.

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EXT.P.15: COPY OF THE REPY TO EXT.P.14 FILED BY THE PETITIONER BEFORE THE TAHSILDAR, KUTTANAD DTD. 03/09/2001.

EXT.P.16: COPY OF THE LETTER NO. P13/PEN.H/153/BG/2002-03 DTD. 28/05/2002 ISSUED BY THE ACCOUNTANT GENERAL, KERALA ADDRESSED TO THE REVENUE DIVISIONAL OFFICER, ALAPPUZHA AND COPY MARKED TO THE PETITIONER.

EXT.P.17: COPY OF THE REPLY FILED BY THE PETITIONER BEFORE THE ACCOUNTANT GENERAL, KERALA BY THE PETITIONER DTD. 03/06/2002.

EXT.P.18: COPY OF THE LETTER NO. D13/DENH/153/BG/2002-03 DTD. 06/01/2003 ISSUED TO THE REVENUE DIVISIONAL OFFICER, ALAPPUZHA BY THE ACCOUNTANT GENERAL, KERALA AND COPY MARKED TO THE PETITIONER.

EXT.P.19: COPY OF THE REPLY FILED BY THE PETITIONER BEFORE THE ACCOUNTANT GENERAL, KERALA DTD. 10/01/2003.

RESPONDENT'S EXHIBIT:

EXT.R2.A: COPY OF THE LETTER DTD. 24/01/05 OF THE ACCOUNTANT GENERAL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 17062 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayer.

> i) issue a writ, order or direction to the 5th respondent to include the provisional service to the total qualifying service of the petitioner and to submit revised pension records consequent on the upgradation of the post of Village Officer by refixing the pay in the Upper Divisional Scale vide Exhibit P2 before the 4th respondent pension sanctioning authority with immediate effect.

2. It is seen from the detailed counter affidavit filed on behalf of the 2nd respondent that all benefits due to the petitioner have already been disbursed. In case the petitioner has still any dispute on the facts stated in the counter affidavit, he may file an appropriate representation before the 2nd respondent, in which case, the matter will be duly considered by the 2nd respondent with notice to the petitioner/his representatives

and appropriate action, in accordance with law, in the matter will be taken within another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp